

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CORTEZ FISHER

Petitioner

v.

UNITED STATES of AMERICA,

Respondent

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Crim. No: JFM -07-0518

Civil No. JFM -10-0706

MOTION TO MODIFY CONDITIONS OF DETENTION

NOW COMES Petitioner Cortez Fisher, by and through undersigned counsel, and respectfully requests that this Court modify Mr. Fisher's conditions of detention. In support of this Motion, Counsel states:

1. On July 24, 2008, Cortez Fisher pled guilty to one count of possession of a firearm in violation of 18 U.S.C. §922(g). This Court sentenced him to a term of 120 months in the Bureau of Prisons. On April 1, 2013, the Fourth Circuit reversed Mr. Fisher's conviction. The Court denied the Government's petition for rehearing on May 30, 2013. This Court has granted the Government until October 2, 2013 to determine whether it will re prosecute Mr. Fisher or dismiss the case. Mr. Fisher remains incarcerated in the Bureau of Prisons at FCI Gilmer, despite the vacatur of his conviction.

2. During his five years in the Bureau of Prisons, Mr. Fisher has earned an exemplary prison record. He has availed himself of scores of educational opportunities and earned his GED. Attachment A. He has earned "outstanding" work evaluations. Attachment B. For his current job, the Bureau entrusts him with a vehicle, in which he transports both

inmates and staff between the camp and the medium security facility at FCI Gilmer. Mr. Fisher's case manager has informed the undersigned that Mr. Fisher is not considered to be a flight risk. Id.

3. Undersigned counsel has contacted Mr. Fisher's grandfather, Leon Nowlin, Sr., who has indicated he is willing to serve as a third party custodian for Mr. Fisher. Mr. Nowlin resides at [REDACTED], Baltimore, MD 21229. He is retired from his position as a warehouse manager at the Misty Harbor clothing company.

4. Mr. Fisher is neither a flight risk nor a threat to the safety of the community. If released, Mr. Fisher would be staying with family in the Baltimore area.

5. This Court can craft conditions of release that will assure both the safety of the community and that Mr. Fisher will appear in court as directed.

WHEREFORE, counsel respectfully requests permission to file items supplied in discovery under seal.

Respectfully submitted,

_____/s/_____
Marta K. Kahn
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August 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2013, a copy of the foregoing Motion to Modify Conditions of Confinement was served on Jack Purcell, Assistant United States Attorney, via ECF.

_____/s/_____

Marta K. Kahn